REMARKS

Claims 1–19 are pending in the Application, of which Claims 1, 8, and 17 are independent. Claims 1–19 stand rejected. Applicants respectfully traverse the rejections and request reconsideration.

35 U.S.C. § 102 Rejections

Claims 1 and 6 stand rejected under 35 U.S.C. § 102(e) as being said to be anticipated by Hoof, U.S. Pat. No. 7,203,193 (hereinafter "Hoof" or "Hoof's non-provisional application"). Applicants respectfully disagree for the reasons set forth below.

The present Application claims the benefit of Provisional Application No. 60/392,422, filed June 27, 2002 ("Applicants' provisional application"). Therefore, the present Application has a priority date of June 27, 2002. Cited reference Hoof, filed July 1, 2002, claims the benefit of Provisional Application No. 60/306,197, filed July 17, 2001 ("Hoof's provisional applications"). It should be noted that Hoof's provisional application was filed before the present Application's priority date, and that cited reference Hoof was filed after the present Application's priority date. Hoof's provisional application is available on Public PAIR.

According to section 2136.03 of the MPEP, the critical reference date of a U.S. Patent, or U.S. Patent Application, that claims the benefit of a provisional application is considered to be the filing date of the provisional application only "if the provisional application(s) properly supports the subject matter relied upon to make the rejection." To support the subject matter of the rejection properly, the provisional application(s) must support the subject matter in compliance with 35 U.S.C. § 112, first paragraph. Therefore, only disclosures made in Hoof's provisional application may be considered prior art with respect to the present Application.

Applicants' respectfully submit that portions of Hoof's non-provisional application that have been relied upon in rejecting the claims of the present application are not properly supported by Hoof's provisional application. For example, Figs. 1–4 have been cited in Hoof's non-provisional application as being said to disclose elements of Applicants' independent Claim 1 and dependent Claim 6, as they stand rejected under 35 U.S.C. § 102(e); however, no such figures or written description related to said figures are disclosed in Hoof's provisional

application. Therefore, at least Figs. 1–4 of Hoof should not be relied upon in the rejections of Claims 1 and 6 of the present Application, as Hoof's non-provisional application is not properly supported by Hoof's provisional application.

Therefore, the rejections of Claims 1 and 6 under 35 U.S.C. § 102(e) are not based on prior art. Accordingly, removal of the rejections under 35 U.S.C. § 102(e) and acceptance of Claims 1 and 6 is respectfully requested.

35 U.S.C. § 103(a) Rejections

Claims 2–5 and 7–19 stand rejected under 35 U.S.C. § 103(a) as being said to be unpatentable over cited art. Each rejection is addressed below; however, Hoof is cited as a reference in all of the below rejections, and, as such, the rejections of Claims 2–5 and 7–19 under 35 U.S.C. § 103(a) are not based on prior art. Accordingly, in addition to the reasons presented below, removal of the rejections under 35 U.S.C. § 103(a) and acceptance of Claims 2–5 and 7–19 is respectfully requested.

Claims 2, 3, 8, 9, 11, 12, and 17–19

Claims 2, 3, 8, 9, 11, 12, and 17–19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoof in view of Chao *et al.*, "Delay-Bound Guarantee in Combined Input-Output Buffered Switches" (hereinafter "Chao"). Applicants respectfully disagree for the reasons set forth below.

Chao relates to fixed-length switching to achieve high switching efficiency by segmenting packets into fixed-seized cells. *See* Chao, p. 515, §I. Specifically, Chao discloses a device containing non-blocking switches that perform a Switch Hierarchical Link Sharing scheme. However, Chao fails to cure the deficiencies of Hoof, and, therefore, Applicants' respectfully submit that, in addition to the reasons presented below, Claims 2, 3, 8, 9, 11, 12, and 17–19 are novel and non-obvious over the cited combination of Hoof in view of Chao for at least the reasons presented above in reference to Claim 1.

Claims 8, 9, 11, 12, and 17–19

Independent Claims 8 and 17 include similar elements as independent Claim 1. Claims 9, 11, 12, and 18–19 depend from Claims 8 or 17, include the same elements as the Claims from which they depend, and are novel and non-obvious for at least the same reasons. As such, Applicants respectfully request withdrawal of the rejections of Claims 8–9, 11–12, and 17–19 under 35 U.S.C. § 103(a) and acceptance of same.

Claims 2 and 3

Claims 2 and 3 depend from Claim 1 and include the same elements of the claim from which they depend; thus, Applicants respectfully submit that dependent Claims 2 and 3 are novel and non-obvious for at least the reasons set forth above in reference to Claim 1. As such, Applicants respectfully request withdrawal of the rejection of Claims 2 and 3 under 35 U.S.C. § 103(a) and acceptance of same.

Claims 4, 5, and 7

Claims 4, 5, and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoof in view of Chuang *et al.*, "Matching Output Queuing with a Combined Input/Output-Queued Switch" (hereinafter "Chuang"). Applicants respectfully disagree.

Chuang, which is directed to a combined input/output queued switch, was introduced as a secondary reference against Claim 4 only due to a deficiency of Hoof regarding "determining an incoming cell's priority based on the time of the cell departing from an output queue and the times of other cells in the output queue to depart." Office Action, page 9, lines 6–8. Chuang was only introduced against Claim 5 regarding lowest time-to-leave scheduling, lowest time-to-leave blocking, and non-negative slackness insertion. Chuang was only introduced against Claim 7 for emulation of an output queued packet switch. Chuang does not cure the deficiency of Hoof regarding Claim 1, from which Claims 4, 5, and 7 depend, as described above ("*switch fabric storing cells based on [the] output queues*"). Therefore, Applicants respectfully submit that the rejection of Claims 4, 5, and 7 under 35 U.S.C. § 103(a) is improper and should be withdrawn.

Claim 10

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoof in view of Chao and further in view of Chuang. Similar arguments apply for Claim 10 as for Claim 4, described above. As such, Applicants respectfully submit that Claim 10 is novel and non-obvious over the cited combination of art and the rejection under 35 U.S.C. § 103(a) should be withdrawn.

Claims 13 and 14

Claims 13 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoof in view of Chao and further in view of Rojas-Cessa *et al.*, "CIXB-1: Combined Input-One-Cell Crosspoint Buffered Switch" (hereinafter "Rojas-Cessa"). Applicants respectfully disagree.

Rojas-Cessa, which was introduced as a reference against Claim 13 only for multiple virtual output queues, does not cure the deficiencies of Hoof and Chao regarding Claim 8, from which Claim 13 depends. Therefore, Applicants respectfully submit that the rejection of Claims 13 and 14 (depending from 13) under 35 U.S.C. § 103(a) is improper and should be withdrawn.

Claims 15 and 16

Claims 15 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoof in view of Chao and further in view of Zhang, "Service Disciplines for Guaranteed Performance Service in Packet-Switching Networks" (hereinafter "Zhang"). Applicants respectfully disagree.

Zhang was introduced as a reference against these claims only for FIFO groups (Claim 15) and a plurality of crosspoint schedulers (Claim 16). Zhang does not cure the deficiencies of Hoof and Chao regarding Claim 8, from which Claim 15 depends. Therefore, Applicants respectfully submit that the rejection of Claims 15 and 16 (depending from 15) under 35 U.S.C. § 103(a) is improper and should be withdrawn.

CONCLUSION

In view of the above remarks, it is believed that all claims, namely Claims 1–19, are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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